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Powell et.al v. Ridge, et. al.

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Filed September 2, 1999

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 98-2096

DAVID POWELL; SHELEAN PARKS; PATRICE EVERAGE;
JULIA A. DAVIS; YVETTE BLAND; GERALDINE NEWTON;
MARIA M. RIVERA; MARY E. MILLER; GREGORY LUZAK;
CATHERINE LUZAK; FU-ZHEN XIE; THE BLACK CLERGY
OF PHILADELPHIA AND VICINITY; PHILADELPHIA
BRANCH NAACP; ASPIRA, INC. OF PENNSYLVANIA;
PARENTS UNION FOR PUBLIC SCHOOLS; CITIZENS
COMMITTEE ON PUBLIC EDUCATION IN PHILADELPHIA;
PARENTS UNITED FOR BETTER SCHOOLS; DAVID W.
HORNBECK, SUPERINTENDENT, The School District of
Philadelphia; FLOYD W. ALSTON, PRESIDENT, Board of
Education of the School District of Philadelphia; BOARD
OF EDUCATION OF THE SCHOOL DISTRICT OF
PHILADELPHIA; THE SCHOOL DISTRICT OF
PHILADELPHIA; EDWARD G. RENDELL, MAYOR,
City of Philadelphia; CITY OF PHILADELPHIA

PHILADELPHIA FEDERATION OF TEACHERS LOCAL 3;
TED KIRSCH, PRESIDENT, GUARDIAN AD LITEM,
Intervenors in D.C.

v.

THOMAS J. RIDGE, Governor of the Commonwealth of
Pennsylvania; JAMES P. GALLAGHER, CHAIRPERSON,
Commonwealth of Pennsylvania State Board of Education;
EUGENE W. HICKOK, SECRETARY OF EDUCATION;
BARBARA HAFFER, TREASURER

MATTHEW J. RYAN; ROBERT C. JUBELIRER;
JESS M. STAIRS; JAMES J. RHOADES,
Intervenors in D.C.

DAVID POWELL; SHELEAN PARKS; PATRICE EVERAGE;
JULIA A. DAVIS; YVETTE BLAND; GERALDINE NEWTON;
MARIA M. RIVERA; MARY E. MILLER; GREGORY LUZAK;
CATHERINE LUZAK; FU-ZHEN XIE; THE BLACK CLERGY
OF PHILADELPHIA AND VICINITY; PHILADELPHIA
BRANCH NAACP; ASPIRA, INC. OF PENNSYLVANIA;
PARENTS UNION FOR PUBLIC SCHOOLS; CITIZENS
COMMITTEE ON PUBLIC EDUCATION IN PHILADELPHIA;
PARENTS UNITED FOR BETTER SCHOOLS; DAVID W.
HORNBECK; FLOYD W. ALSTON; BOARD OF EDUCATION
OF THE SCHOOL DISTRICT OF PHILADELPHIA; THE
SCHOOL DISTRICT OF PHILADELPHIA; EDWARD G.
RENDELL; CITY OF PHILADELPHIA,

Appellants

No. 98-2157

DAVID POWELL; SHELEAN PARKS; PATRICE EVERAGE;
JULIA A. DAVIS; YVETTE BLAND; GERALDINE NEWTON;
MARIA M. RIVERA; MARY E. MILLER; GREGORY LUZAK;
CATHERINE LUZAK; FU-ZHEN XIE; THE BLACK CLERGY
OF PHILADELPHIA AND VICINITY; PHILADELPHIA
BRANCH NAACP; ASPIRA, INC. OF PENNSYLVANIA;
PARENTS UNION FOR PUBLIC SCHOOLS; CITIZENS
COMMITTEE ON PUBLIC EDUCATION IN PHILADELPHIA;
PARENTS UNITED FOR BETTER SCHOOLS, INC.; DAVID
W. HORNBECK, SUPERINTENDENT, The School District
of Philadelphia; FLOYD W. ALSTON, PRESIDENT, Board
of Education of the School District of Philadelphia;
BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF
PHILADELPHIA; THE SCHOOL DISTRICT OF
PHILADELPHIA; EDWARD G. RENDELL, MAYOR,
City of Philadelphia; CITY OF PHILADELPHIA

PHILADELPHIA FEDERATION OF TEACHERS LOCAL 3;
TED KIRSCH, PRESIDENT, GUARDIAN AD LITEM,

Intervenors in D.C.,

Appellants

v.

THOMAS RIDGE, Governor of the Commonwealth of Pennsylvania; JAMES P. GALLAGHER, Chairperson Commonwealth of Pennsylvania State Board of Education; EUGENE W. HICKOK, Secretary of Education; BARBARA HAFFER, Treasurer

MATTHEW J. RYAN; ROBERT C. JUBELIRER;
JESS M. STAIRS; JAMES J. RHOADES,
Intervenors in D.C.

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D. C. No. 98-cv-01223)
District Judge: Hon. Herbert J. Hutton

Before: SLOVITER and MANSMANN, Circuit Judges
and WARD, District Judge*

ORDER AMENDING OPINION

It is ordered that the slip opinion in the above case, filed August 25, 1999, be amended as follows:

Page 3, line 20 which reads:

Michael Churchill
Public Interest Law Center of Philadelphia
Philadelphia, PA 19107

should read:

Michael Churchill
Thomas K. Gilhool
Public Interest Law Center of Philadelphia
Philadelphia, PA 19107

* Hon. Robert J. Ward, United States District Judge for the Southern District of New York, sitting by designation.

By the Court,

/s/ Dolores K. Sloviter

Circuit Judge

Dated: September 2, 1999